

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA, and)
UNITED STATES POSTAL SERVICE,)
)
Plaintiffs/Stakeholders,)
)
-against-)
)
ABCON ASSOCIATES, INC.,)
THE ROSLYN SAVINGS BANK,)
GOLDBERG & CONNOLLY,)
HI-LUME CORPORATION,)
ST. VINCENT'S CATHOLIC MEDICAL)
CENTERS OF NEW YORK,)
KAMCO SUPPLY CORPORATION,)
HAAS & NAJARIAN, LLP,)
UNITED STATES FIDELITY &)
GUARANTY COMPANY,)
LOVETT SILVERMAN,)
and HSBC USA INC.,)
)
Defendants/Claimants,)
)
and ARA PLUMBING & HEATING)
CORP., and STEVEN G. RUBIN &)
ASSOCIATES, P.C.,)
)
Intervenor Defendants/Claimants.)
)
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ORDER

Civil Action No. CV 05-3178

(Wexler, J.)

(Lindsay, M.J.)

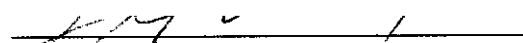
Before the Court in this interpleader action pursuant to Fed. R. Civ. P. 22 is the motion of plaintiffs, the United States of America and the United States Postal Service, seeking leave to deposit with the registry of the Clerk of Court supplemental funds in the sum of \$855,416.60, on the ground that plaintiffs are mere stakeholders herein. They also seek leave to deposit with the registry of the Clerk of Court the listed sum until the funds can be properly distributed to the appropriate claimants pursuant to this Court's August 13, 2007 order of distribution of interpleader funds concerning this action, or by further order of this Court.

This Court, having considered the motion of plaintiffs, and the Court being fully advised in the premises, and good cause appearing therefor based on the Complaint in this action and the memorandum of law, dated June 30, 2005, in support of plaintiffs' motion, finds that such motion should be GRANTED as requested. Therefore,

IT IS HEREBY ORDERED, as follows:

1. The Court's August 28, 2008 order to deposit with the registry of the Clerk of Court, funds in the sum of \$852,847.97 is vacated.
2. Pursuant to Rule 67 of the Federal Rules of Civil Procedure and Local Civil Rule 67.1 of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, plaintiffs shall deposit with the registry of the Clerk of the Court, funds in the sum of \$855,416.60, representing a supplement to the amount of the award proceeds in controversy.
3. With regard to the supplemental funds deposited with the registry of the Clerk of the Court pursuant to the preceding paragraph, the Clerk shall invest such funds in an interest-bearing account or other instrument, wherein such funds shall remain until distributed pursuant to the Court's August 13, 2007 order of distribution of interpleader funds, or by further order of this Court. The Clerk shall deduct from the income on the investment a fee equal to ten per cent (10%) of the income earned, but not exceeding the fee authorized by the Judicial Conference of the United States and set by the Administrative Office.

It is SO ORDERED at Central Islip, New York, this 23rd day of September, 2008.


HON. LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF NEW YORK